

EX PARTE OR LATE FILED

WILEY, REIN & FIELDING

ORIGINAL

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March 25, 1993

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TELEX 248349 WYRN UR

RECEIVED

MAR 25 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Notification of Permitted Ex Parte Presentation
MM Docket Nos. 92-265

Dear Ms. Searcy:

Viacom International Inc. ("Viacom"), by its attorneys and pursuant to Section 1.1206(a)(2) of the Commission's rules, hereby submits an original and one copy of this supplement to an earlier memorandum regarding a permitted ex parte presentation to the Commission's staff regarding MM Docket No. 92-265.

By letter of even date, Viacom notified the Commission that on Thursday, March 25, 1993, at 9:00 a.m., certain documents were delivered to Byron Marchant of Commissioner Barrett's office, John Hollar of Commissioner Duggan's office, and Robert Corn-Revere of Chairman Quello's office. The documents related to Viacom's comments and reply comments filed in response to the Notices of Proposed Rule Making in MM Docket No. 92-265, FCC 92-543 (rel. Dec. 24, 1992) which sought comment on the implementation of various provisions of the Cable Television Consumer Protection and Competition Act of 1992 dealing with the development of competition and diversity in video programming distribution and carriage. The documents were presented to Messrs. Marchant, Hollar and Corn-Revere prior to release of the "Sunshine Notice" relating to the afore-mentioned proceeding.

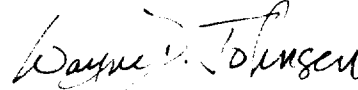
Inadvertently omitted from the delivery was the cover letter, addressed to Byron Marchant, explicating the documents. Enclosed herewith, therefore, is a copy of the documents along with the cover letter. Any inconvenience caused by this omission is sincerely regretted.

No. of Copies rec'd 241
List A B C D E

Ms. Donna R. Searcy
March 25, 1993
Page 2

Kindly direct any questions regarding this matter to
the undersigned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Wayne D. Johnsen".

Wayne D. Johnsen

WDJ/rr

Attachment

cc: Byron Marchant, Esq.
John C. Hollar, Esq.
Robert Corn-Revere, Esq.

WILEY, REIN & FIELDING

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RICHARD E. WILEY
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1919 M Street, NW, Room 222
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Kindly direct any questions regarding this matter to the undersigned.

Respectfully submitted,

Lawrence W. Secrest III
Lawrence W. Secrest III *WJS*

LWS/rr
Attachment

cc: Byron Marchant, Esq.
John C. Hollar, Esq.
Robert Corn-Revere, Esq.

WILEY, REIN & FIELDING

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LAWRENCE W. SECREST III
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March 24, 1993

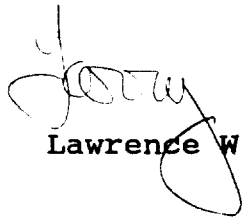
Byron F. Marchant
Legal Advisor to Commissioner Barrett
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C.

Dear Byron:

In accordance with your request, I am enclosing charts that show which basic and pay cable networks would be exempt from program access regulations pursuant to the 5% de minimis standard that Viacom proposed in its comments.

Best regards.

Sincerely yours,



Lawrence W. Secrest, III

LWS:kim
Enclosures

cc: Robert Corn-Revere
John C. Hollar

**LARGEST
"VERTICALLY INTEGRATED"
BASIC PROGRAM SERVICES**

<u>Program Service</u>	<u>Total Network Cable Subscribers¹</u>	<u>MSO Ownership² (Total # of MSO's Cable Subscribers)³</u>	<u>Owned Cable Systems as % of Network Cable Subscribers⁴</u>
Cartoon Net	4,025,000	TCI (9,686,000); TW (6,807,330)	100% +
Court TV	7,000,000	Liberty Media ⁵ (9,686,000); TW (6,807,330); Cablevision Systems Corp. (1,175,422)	100% +
Video Jukebox Network (The Box)	9,359,000	Liberty Media ⁵ (9,686,000); Newhouse (1,321,806)	100% +
E! Entertainment Television	21,500,000	TW (6,807,330); Comcast (2,852,000); Continental (2,855,000); Cox (1,714,879); Newhouse (1,321,806)	72.3%
The Learning Channel	18,815,000	TCI (9,686,000); Cox (1,714,789); Newhouse (1,321,806)	67.6%
QVC	45,000,000	Liberty Media ⁵ (9,686,000); TW (6,807,330); Comcast (2,852,000)	43%
BET	33,900,000	Liberty Media ⁵ (9,686,000); TW (6,807,330)	48.6%
Headline News Network*	51,407,000	TCI (9,686,000); TW (6,807,330)	32%
Comedy Central	26,956,000	Viacom (1,063,000); TW (6,807,330)	29.1%
TBS*	57,457,000	TCI (9,686,000); TW (6,807,330)	29%
TNT*	58,691,000	TCI (9,686,000); TW (6,807,330)	28%
AMC	43,000,000	Liberty Media ⁵ (9,686,000); Cablevision (2,002,486)	27.1%
CNN*	61,133,000	TCI (9,686,000); TW (6,807,330)	27%
Discovery	58,836,000	TCI (9,686,000); Cox (1,714,789); Newhouse (1,321,806)	21%
Family Channel	57,163,000	Liberty Media ⁵ (9,686,000)	16.9%
Mind Extension			7.5%

"VERTICALLY INTEGRATED" PREMIUM MOVIE SERVICES

Program Service	Total Cable Subscribers	MSO Ownership ¹ (Total # of MSO's Cable Subscribers) ²	Subscribers on Commonly-Owned Cable Systems	Owned Cable Systems as % of Network Cable Subscribers
Cinemax	6,044,684*	Time Warner (6,807,330)	1,063,837*	17.6%
HBO	16,320,031*	Time Warner (6,807,330)	2,373,799*	14.5%
Showtime	7,458,541**	Viacom (1,063,000)	237,622**	3.2%
The Movie Channel	2,559,676**	Viacom (1,063,000)	79,427**	3.1%

* The Kagan 1992 Census of Cable and Pay TV; data as of 12/31/91; "Subscribers on Commonly-Owned Systems" for Time Warner services includes subscriber counts for Paragon, ATC and Warner Cable.

** Subscriber counts provided by Showtime Networks Inc.

¹ Based upon Kagan, Cable Network Investor, Aug. 31, 1992, at 6,7.

² Cablevision, Feb. 22, 1993, at 45 (Top 100 MSOs).